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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 401st MEETING

Held at Headquarters, New York,
on Monday, 8 July 1991, at 3 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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The meeting was called to order at 3.45 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued) (A/AC.159/L.74)

1. The CHAIRMAN drew the Committee's attention to two non-papers on the stages of the United Nations Conference on the Indian Ocean, which were based on the content of the annex to document A/AC.159/L.74. One non-paper, submitted by the Ethiopian delegation, contained proposals relating to all three stages of the Conference. The other non-paper, submitted by the Indian delegation, did not elaborate on the second and third stages, but rather indicated that the work of the subsequent stages would be based on the report on the first stage of the Conference.

2. The Ethiopian non-paper, which was somewhat more detailed and which the Ethiopian representative had proposed for inclusion as a recommendation to the Conference, specified that the first stage of the Conference would be held at Colombo, Sri Lanka, and that its duration would be 10 days. The main objective of the first stage would be to consider the provisional agenda contained in document A/AC.159/L.106 in its entirety, with a view to adopting the final document. The Ethiopian non-paper also suggested that representation at the ministerial level would be appropriate. With respect to documentation, it adopted the language contained in paragraph 6 of the annex to document A/AC.159/L.74, on which the Committee generally agreed.

3. Ms. COURTNEY (Australia) said that the Indian non-paper, by not dealing with subsequent stages, potentially resolved the problems which had arisen with respect to those Member States not participating in the work of the Committee. In the final sentence of that non-paper, "establishment" of the Indian Ocean as a zone of peace would be more appropriate than "maintenance".

4. The CHAIRMAN suggested that the sentence could be amended to read: "... for the achievement of the objective of the Indian Ocean as a zone of peace".

5. Ms. COURTNEY (Australia) said that in the context of finalizing an international agreement, "establishment" would be more accurate.

6. Mr. MAHMOOD (Pakistan) said that, although he would have to consult with his Government before expressing his delegation's official view, he felt that the Ethiopian non-paper was more useful because it did elaborate on the work of the Conference in the subsequent stages as well.

7. The CHAIRMAN said that, since document A/AC.159/L.74 had been submitted on behalf of the non-aligned States members of the Ad Hoc Committee, it was

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not clear why any of those delegations should have to reconfirm its Government's views concerning the stages of the Conference.

8. Mr. CHOWDHURY (Bangladesh) noted that the current session of the Ad Hoc Committee was taking place against the backdrop of dramatic changes in the international situation. The end of the cold war should be taken into account in the Committee's work. The participation of those Member States which had left the Committee was vital to achieving the objectives of the Declaration of the Indian Ocean as a Zone of Peace. In that connection, his delegation was grateful to the Chairman for undertaking consultations with those Member States in an effort to persuade them to return. His delegation supported the convening of the United Nations Conference on the Indian Ocean at Colombo in 1992. To that end, it was crucial for the Committee to complete preparatory work for the Conference at the current session.

9. One third of mankind lived in the region of the Indian Ocean. The achievement of peace and security in the area was vital to its economic development and prosperity. The region had witnessed many political and economic upheavals, most recently the crisis in the Gulf, which was a natural extension of the Indian Ocean. His delegation was prepared to cooperate fully in order to bring peace and security to the region of Indian Ocean, which would strengthen international peace and security, and without which countries such as Bangladesh could not continue their struggle to ensure a decent quality of life for their people.

10. Mr. JAIN (India), replying to the Australian representative, said that the word "maintenance" in the Indian non-paper echoed the language of paragraph 3 (c) of General Assembly resolution 2832 (XXVI) on the Declaration of the Indian Ocean as a Zone of Peace. However, section II of the annex to document A/AC.159/L.74 referred to "establishing a zone of peace". The two ideas might be successfully combined in a phrase which read: "... finalizing international agreement(s) for the establishment and maintenance of the Indian Ocean as a zone of peace".

11. After the second sentence of its non-paper, his delegation wished to add the following sentence based on paragraphs 2 and 3 of the 1971 Declaration, and incorporating the language of document A/AC.159/L.74:

> "Its main objectives will be consultations between the littoral and hinterland States of the Indian Ocean, and the permanent members of the Security Council and other major maritime users of the Indian Ocean, in terms of the 1971 Declaration."

12. Mr. HAGOSS (Ethiopia) said that the aim of his delegation's non-paper had been to provide a more concise document. However, the Indian non-paper was even briefer, and had the added advantage of being forward-looking without making specific recommendations on subsequent stages. It was indeed more appropriate to allow the Ministers at the Conference a measure of flexibility

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in deciding on the work of the second and third stages. His delegation would therefore be willing to support the Indian non-paper in place of its own. It might be best, however, not to add the sentence concerning consultations, which the Indian representative had just read out as it seemed self-evident. The proposal to add "establish" in the final phrase of the Indian non-paper was a sound one.

13. Mr. CURE (Mauritius) said that his delegation could have supported the proposals contained in document A/AC.159/L.74. However, since that did not seem to be the prevailing sentiment in the Committee, it could also accept the Ethiopian non-paper. Regardless of which non-paper was adopted, his delegation continued to believe that, without the broadest possible representation, the objectives of the Conference would not be achieved. It was therefore in the Committee's interest to show flexibility and attempt to convince those Member States not participating in the work of the Conference to return.

14. Mr. AL-ALFI (Yemen) said that the non-papers presented by the Ethiopian and Indian delegations complemented each other; the first five lines of the Indian non-paper could easily form the first paragraph of the Ethiopian non-paper. The brevity of the Indian non-paper made it ambiguous and would only create more work for the Conference, which could become mired in procedural discussions. For example, the non-paper indicated that the Conference would be held in more than one stage, but did not specify the number of stages. While the Indian non-paper presented a general outline for the work of the Conference, the Ethiopian non-paper added the details necessary to establish that the first stage of the Conference would consist of deliberations, to be followed by negotiations in the second stage and finalization of the outcome in the third stage. In addition, to avoid confusion at the Conference, the approval of the rules of procedure and the establishment of committees should be dealt with in the Ethiopian non-paper as part of the first stage. He asked the Chairman to coordinate the merging of the two non-papers, bearing in mind that the inclusion of sufficient detail would greatly assist participating countries in their preparations for the Conference.

15. The CHAIRMAN said he would act on the request of the representative of Yemen, possibly through a meeting of the "Friends of the Chairman". For the moment, he wished to ascertain whether the Committee was in agreement on a number of important issues concerning the Conference, such as whether it should be held in more than one stage, its location and duration, and the content of the first stage, including the provisional agenda, the level of representation and documentation.

16. Ms. COURTNEY (Australia) said that although many delegations had said they expected Western countries which no longer participated in the Committee to attend the Conference and join in the negotiations, it was well known that the idea of a multi-stage Conference was unacceptable to those countries. The

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Committee should therefore propose only a single stage for the moment, and should leave it to the Conference to decide whether additional stages were necessary.

17. The CHAIRMAN noted that the Indian non-paper indicated that the report on the first stage of the Conference would determine the work to be done in subsequent stages; the report could always indicate that no additional stages were necessary. Since the wishes of countries not participating in the Committee could not be known with certainty, and since all of the participating delegations were in favour of a multi-stage Conference, it was advisable for the Committee to make provision for more than one stage.

18. Mr. NAIMI-ARFA (Islamic Republic of Iran) said he supported the arguments advanced by the representative of Yemen.

19. Mr. MAHMOOD (Pakistan) noted that the Ethiopian non-paper indicated that the main objective of the first stage of the Conference would be to consider the provisional agenda contained in document A/AC.159/L.106. However, the provisional agenda did not contain an item on policy statements on matters relating to the zone of peace by heads of delegation. Provision for such statements should therefore be made in the non-paper as part of the first stage. In addition, he proposed that in paragraph 2 of the Ethiopian non-paper, the phrase following the words "final document" should be replaced by the phrase "containing the objectives and principles governing the zone of peace in the Indian Ocean and machinery and a programme of action for the realization of those objectives and principles in subsequent stages".

20. The CHAIRMAN said he did not think it necessary to include a reference to policy statements in the non-paper, since the purpose of the general debate provided for in the provisional agenda was to allow the Conference to hear high-level policy statements.

21. Mrs. MULAMULA (United Republic of Tanzania) said she agreed with the representative of Yemen that the non-papers submitted by Ethiopia and India were complementary and should be combined. The Ethiopian non-paper was based on the 1987 working paper on the same subject (A/AC.159/L.74), and contained useful ideas which her delegation wished to see incorporated into any recommendations on the level of representation or on documentation which the Committee might make to the Conference.

22. Mr. HAGOSS (Ethiopia) said that although his delegation was willing to withdraw its non-paper in the interest of consensus, it appeared that the Committee preferred the compromise solution proposed by the representative of Yemen. In that regard, he suggested that paragraphs 1 and 2 of the Ethiopian non-paper should be retained up to the phrase following the words "overall parameters", which should be replaced by the phrase "concerning the establishment of the Indian Ocean as a zone of peace". Paragraphs 3 and 4

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would be retained in their current form. He also suggested adding the following paragraph at the end of section I:

> "If the first stage of the Conference opts for a multi-stage structure, it is suggested that it may consider the merit of adopting a three-stage Conference as elaborated below."

Thus, the number of stages would be left to the discretion of the Conference, as in the Indian non-paper, while the sections concerning the second and third stages would present the merits of a three-stage structure. Changes could also be made in the language of those two sections; for example, the reference to "binding arrangements" could be omitted from section III.

23. The CHAIRMAN asked how the delegation of Ethiopia would change the current first paragraph of its non-paper to reflect its proposal.

24. Mr. HAGOSS (Ethiopia) said that the paragraph could be replaced by the first five lines of the Indian non-paper.

25. Mr. AMBEYI-LIGABO (Kenya) said that in commenting on the two non-papers, delegations should bear in mind that while ambiguity might be the oil which lubricated the wheels of diplomacy, it should not be carried to the point of absurdity, and that clarity should be the overriding objective.

26. Mr. AL-ALFI (Yemen) said it would be dangerous to leave it to the Conference to decide whether to continue beyond the first stage, since the Committee's ultimate goal was to ensure the implementation of the Declaration of the Indian Ocean as a Zone of Peace. It was therefore essential to specify that negotiations on an international agreement would follow the deliberations in the first stage, and that the outcome of the negotiations would be finalized in a subsequent stage; the Conference would be free to decide whether more than three stages were necessary. The delegations participating in the Committee, which would also participate in the Conference, had already agreed on the multi-stage structure, and a clear outline of that structure was necessary to enable delegations to prepare adequately for the Conference.

27. Ms. COURTNEY (Australia) said that although her country accepted the concept of a multi-stage Conference, it hoped that the work of the first stage alone would result in the establishment of a zone of peace. If that proved impossible, it would be in favour of additional stages, but did not wish to predefine them, as currently envisaged in the Ethiopian non-paper. While Australia would accept language allowing for more than one stage, it would prefer to aim at finalizing all requirements for the implementation of the Declaration, including negotiations, in the first stage of the Conference.

28. The CHAIRMAN said that the Committee appeared to agree that the Conference could be held in more than one stage. Moreover, he had heard no objection to holding the first stage at Colombo for 10 working days or to

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organizing the work of the first stage according to the provisional agenda (A/AC.159/L.106) and the final version of the provisional rules of procedure contained in document A/AC.159/L.109. He asked whether there was agreement that representation at the first stage of the Conference should be at the ministerial level.

29. Ms. COURTNEY (Australia) said it was unusual for such recommendations to be issued at preparatory meetings. However, if a recommendation on the level of representation was considered necessary, the Committee should simply recommend an "appropriate political level".

30. The CHAIRMAN noted that the Ethiopian non-paper merely indicated that representation should "preferably be at the ministerial level". Thus, the recommendation was not a requirement, but an indication of the importance of the Conference.

31. Ms. COURTNEY (Australia) said that although the recommendation was not and could not be a requirement, it was inappropriate for the Committee to make such recommendations, since it should not appear to encroach on each country's sovereign right to decide whom to send to the Conference.

32. Mr. JAIN (India) said that his delegation wished to revise the proposed addition to the second sentence of its non-paper to read:

> "Its main objective will be consultations between the littoral and hinterland States of the Indian Ocean, and the great Powers and major maritime users of the Indian Ocean, in terms of the 1971 Declaration".

33. Mr. HAGOSS (Ethiopia) said that the additional Indian proposal and the recommendation on the level of representation should be discussed in informal consultations since they were controversial.

34. The CHAIRMAN summarized the substance of the Ethiopian non-paper on the stages of the Conference, and said he had the impression that it was acceptable to the Committee. It was not necessary at the current meeting to determine the exact language of the text.

35. Ms. COURTNEY (Australia) said her delegation was optimistic that the objectives of the Conference could be achieved during the first stage. There was nothing in the provisional agenda of the Conference that would prevent negotiation and finalization during that stage. It was not appropriate for the Committee to define further stages of the Conference. If it was decided during the first stage that subsequent stages were necessary, the report on the first stage would state what would occur during subsequent stages.

36. The CHAIRMAN said that if the substance of the first stage was based on the provisional agenda, the points raised by the representative of Yemen could be accommodated.

37. Mr. AL-ALFI (Yemen) said he strongly doubted that all the objectives of the Conference could be achieved in one stage. A time-limit must be established for the first stage, and the final text must specifically state that there would be other stages.

38. Mr. MAHMOOD (Pakistan) said that instead of the additional clause proposed by the representative of India, the text should call for the adoption of a final document stating the objectives and principles governing the zone of peace in the Indian Ocean region. That would be more in keeping with the provisional agenda of the Conference.

39. Mr. JAIN (India) pointed out that the provisional agenda was based on the 1971 Declaration, and he drew attention to the five operative paragraphs thereof. He emphasized that the Conference must be a dialogue in terms of the Declaration, and that it therefore was important when defining the stages and objectives of the Conference, also to include language along the lines of the additional proposal he had made.

40. He had used the words "in terms of the 1971 Declaration" in order not to polarize views in the Committee.

41. The CHAIRMAN said that it would be best to formulate the text on the stages of the Conference purely on the basis of the objectives agreed upon for the Conference. Further discussion of the additional Indian proposal would prevent the Committee from completing its work.

The meeting rose at 5.30 p.m.